

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

No. 1:18-cv-96

BRIAN HOGAN, et al.

Plaintiffs,

v.

CHEROKEE COUNTY, et al.,

Defendants.

**EXHIBIT LIST FOR**  
**PLAINTIFFS' MOTION FOR**  
**SANCTIONS BASED ON**  
**SPOILIATION OF EVIDENCE AND**  
**EXPEDITED BRIEFING**  
**SCHEDULE**

NOW COME Plaintiffs, and produce this list of Exhibits that have been submitted to the Court with Plaintiff's motion for Sanctions based upon Spoliation of Evidence on February 5, 2021.

1. Declaration of David Wijewickrama
2. Affidavit of Kelly Boone
3. Exhibit A – Safety Assessment Obtained from Cherokee County Public Schools
4. Exhibit B – Activity Log produced by Scott Lindsay in discovery
5. Exhibit C – A spreadsheet detailing documents that should be in H.H.'s DSS/CPS file but were not produced to Plaintiffs.
6. Exhibit D – Correspondence to Attorney Pat Flanagan regarding this matter, sent January 29, 2021.

7. Exhibit E – Correspondence to Attorney Sean Perrin regarding this matter sent January 29, 2021,
8. Exhibit F – Email response from Attorney Perrin received February 2, 2021.
9. Exhibit G – Correspondence back to Attorney Perrin regarding his email, sent February 2, 2021.
10. Exhibit H – Email response from Attorney Perrin received February 5, 2021.
11. Exhibit I – Copy of retention schedule for Child Protective Services DSS files as promulgated by the North Carolina Department of Natural and Cultural Resources.
12. Wiggins Dep. Ex. 16 – Preservation Letter sent via email to Defendants Palmer and Cherokee County on December 21, 2017
13. Wiggins Dep. Ex. 17 – Media article regarding unprecedented shredding by Cherokee County DSS.
14. Wiggins Dep. Ex. 19 – Preservation Letter sent to Defendants Cherokee County, Palmer, and Attorney Perrin on January 4, 2018.
15. Wiggins Dep. Ex. 20 – Copy of preservation Order entered by the Honorable Tessa Sellers on March 14, 2018.
16. Shook Dep. Ex. 7 – Billing records submitted by Cherokee County regarding services provided to H.H.

This the 5th day of February, 2021.

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BY:

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## **CERTIFICATE OF SERVICE**

This is to certify that on February 5, 2021, a copy of the foregoing **EXHIBIT LIST FOR PLAINTIFFS' MOTION FOR SANCTIONS BASED ON SPOILIATION OF EVIDENCE AND EXPEDITED BRIEFING SCHEDULE** was electronically filed with the Clerk of Court using CM/ECF system, which will send notification to all counsel having made appearances in the case as follows:

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